UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/1990/NGO/52
9 February 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 18

EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS

Written statement submitted by Women's International Democratic Federation, a non-governmental organization in consultative status (category I)

The Secretary-General has received the following communication which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[17 January 1990]

1. The Women's International Democratic Federation (WIDF) considers the effective functioning of bodies established pursuant to the United Nations human rights instruments to be a very important issue. In this respect it stresses the necessity to ensure the effective functioning of the system of periodic reporting by States parties to the human rights instruments adopted by the United Nations General Assembly, concretely on the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women.

2. In this respect it underlines the importance of strengthening and continuing impartial international monitoring in the field of human rights. The WIDF recommends strongly that the special rapporteurs and other fact-finding and monitoring mechanisms established by the Commission on Human Rights as the key elements in analysing, reporting and monitoring the

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implementation of human rights co-operate closely with non-governmental organizations. The non-governmental organizations can be an important source of information to them on violation of the United Nations international human rights instruments in various countries and on the other hand they can help in informing the general public at the national and international levels on the situation in the field of universal respect for, and observance of, human rights and fundamental freedoms.

3. Using the positive experience of the Vienna Meeting of the Conference on Security and Co-operation in Europe, especially the commitments of participating States in human rights, humanitarian and related fields, the WIDF recommends to the forty-sixth session of the Commission on Human Rights that it consider the possibility of starting regional monitoring centres to analyse and report on the implementation of the United Nations human rights documents taking into consideration the specific interests of women and children and the specific features of various regions.

UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/1990/NGO/53
12 February 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session

Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by Amnesty International, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[1 February 1990]

Human rights situation in Guatemala

1. Amnesty International has been concerned that after an initial decrease when Guatemalan President Vinicio Cerezo came to office in 1986, reports of human rights abuses including threats, harassment, arbitrary arrests, torture, "disappearances" and "death squad"-style extrajudicial executions have continued throughout his term of office, and escalated sharply in 1989. Victims included leaders and members of trade unions, grassroots organizations, human rights, student, peasant, displaced persons, church and opposition political groups.

2. Frequently, the perpetrators have been heavily armed men in plain clothes using vehicles with darkened windows and no licence plates, making attribution of human rights violations difficult. However, the choice of victims (often real or suspected critics and opponents of the Government or their families), the information to which their assailants had access, the armaments and vehicles used, and police and military failure to apprehend those responsible even when victims were seized in full view of uniformed security force personnel, indicated in many cases that official police and military were involved, acting in the guise of the so-called "death squads".

3. The violations were reported in the context of continuing clashes between government forces and armed opposition groups, and President Cerezo's Government has claimed, as had a series of previous administrations, that the abuses were carried out by "sectors out of government control", naming both military factions involved in several failed coup attempts and the armed opposition as responsible for alleged abuses. The consultative process known as the National Dialogue initiated under the terms of the Central American Peace Agreement signed by Guatemala in August 1987 seemed to have had little effect on the resurgence of abuses and a number of non-governmental participants in the dialogue were themselves victims. Amnesties declared both immediately prior to and during President Cerezo's administration appeared to forestall prosecution of perpetrators and may have contributed to a climate conducive to further violations.

Urban "disappearances" and extrajudicial executions

4. Student leaders and trade unionists have been particular targets of "disappearances" and extradjudicial executions in urban areas. Between 9 August and 11 September 1989, at least 12 former or current student leaders at the University of San Carlos (USAC), a long-term target of abuses, "disappeared" or were apparent extrajudicial execution victims. They included Victor Hugo Rodríguez Jaramillo and his wife Silvia Maria Azurdia Utrera, abducted on 23 August by heavily armed men in Guatemala City in full view of passing police cars. The victims' car was seen later that morning outside a police station. The police first denied such a car had been parked there, then maintained that it had been another similar car. The couple's bodies were found days later as were those of five other former USAC leaders. All bore apparent marks of torture. Five USAC leaders remain missing; two had been threatened on "death squad" death lists scattered at the university when a bomb exploded there in February. Government officials variously blamed the abuses on disputes within the student association, "terrorists", and "crazy members of the far right working in league with army dissidents".

5. Trade union victims in 1989 included José Rolando Pantaléon, member of theatre and music groups of the Coca-Cola bottling plant trade union, also a long-term target of abuses. Abducted by men in plain clothes on 2 July, his tortured body was found hours later. He and other group members had been repeatedly threatened by heavily armed men in plain clothes after the theatre group presented a skit lampooning the military. In February his brother had been shot and wounded by plainclothes gunmen as police stood by.

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6. In January 1990 Socialist International representative Salvadorian Hectór Oqueli was killed in Guatemala along with a Guatemalan lawyer. Amnesty International is concerned that the method by which the killings were carried out suggested that they may have been committed by plainclothes Salvadorian security agents, and that they may have acted with co-operation from Guatemalan authorities, as the perpetrators appeared to have had access information which apparently could only have been provided them by Guatemalan officials.

Abuses in Guatemalan countryside

7. Reports of "disappearances" and large-scale extrajudicial executions in rural areas have decreased since the early 1980s when many thousands of non-combatant indigenous peasants were victims of army counter-insurgency campaigns. However, several mass killings of peasants were reported in 1989, including in El Petén department in January, in Alta Verapaz in August and Jutiapa in October. There have also been continuing abuses against leaders and members of the Consejo de Comunidados Etnicas, "Runujel Junam" (CERJ), Council of Indigenous Communities, "We are all Equal", including the abduction of four seasonal labourers in April in Suchitepéquez department by uniformed soldiers in camouflage paint. President Cerezo promised CERJ president Amilcar Méndez Urizar a response regarding progress in investigations into their "disappearances" by the end of May, but it was not received by the end of the year. Amilcar Méndez has himself been the object of repeated death threats, some made anonymously, others by army personnel.

Other threats and harassment

8. Members and leaders of GAM, the group of relatives of "disappeared" persons, also reported death threats and harassment by the military both in the capital and in departments where it was pressing for exhumation of apparent victims of earlier extrajudicial executions. One group member was abducted and murdered in July and another seized in August by heavily armed men in plain clothes believed to be army personnel, and "disappeared". That same month, the headquarters of GAM and of Peace Brigades International, a foreign organization attempting to protect them, were bombed.

9. In May exiled leaders of the broad front opposition, in Guatemala to participate in the national dialogue, left after repeated anonymous death threats to themselves and their families.

Torture and maltreatment

10. Diana Ortiz, a United States Ursuline nun, was among the few who survived abduction in Guatemala in recent years. After receiving repeated death threats apparently related to her work teaching Indian children, she was seized on 2 November 1989 from a retreat house garden by men in plainclothes. She later stated that she was handed over to uniformed policemen driving an official police car who took her to what appeared to be a warehouse. There she heard screams and moans of others apparently being ill-treated. She was asked to identify photographs of people she didn't know, and was sexually abused, beaten and burned repeatedly with cigarette butts. She was released when her captors realized she was from the United States and a subsequent examination by a doctor in the United States found 111 cigarette-shaped burns on her back.

11. In August, a number of the 70 people detained in the city of Antigua Guatemala, while demonstrating in support of a long-running teacher's strike, also reported ill-treatment while in custody.

Prisoners of conscience

12. Before 1989 there had been few cases known to Amnesty International in recent years where real or suspected opponents of the Government of the day were subjected to imprisonment rather than "disappearance" or extrajudicial execution. In August, however, at least 60 teachers and 10 students were subjected to short-term detention because of their real or perceived support for the teacher's strike.

Prison conditions

13. In March, common law inmates took control of Guatemala's largest prison, Pavón, outside the capital in protest at what they described as brutal treatment by prison guards, severe overcrowding, and inadequate sanitation and nutrition. The rebels seized wardens' weapons and took hostages, including women and children visitors. Some 12 people reportedly died in cross-fire during the takeover and 50 to 60 were injured. The incident ended four days later when the Government agreed inter alia that no reprisals would be taken against uprising participants. However, in April inmate Juan Carlos Tejeda Tortola was reportedly beaten and deprived of food and water because of his leadership of the rebellion.

Government failure to investigate abuses

14. Highly publicized government human rights investigatory bodies periodically announced under President Cerezo appeared to make little progress in investigating past and new abuses reported to them; some apparently never began to function. Often new initiatives were announced as international bodies, including the Commission on Human Rights were to consider Guatemala's human rights record, or when President Cerezo faced internal pressure on human rights issues or was to travel abroad.

15. The regular police and judiciary appeared unwilling or unable to carry out investigations and bring perpetrators of abuses to justice, particularly when the military was implicated. In the few highly publicized cases where inquiries were announced, apparently in response to international pressure, the investigations floundered when evidence pointed to army involvement. In other cases, families were too frightened to pursue cases or were offered bribes by the security forces to abandon efforts to determine responsibility for their relatives' death or "disappearance".

16. No information was available, for example, regarding the investigation which San Marcos departmental police claimed had been undertaken into the "disappearance" of local social democratic leader Eladio Ambrosio, forced into a car on 16 June 1989 by men in plainclothes. His son pursued the car to a military base, but the commander denied the father was there, and he remains missing.

17. Amnesty International also remains concerned that the Government has still failed to establish responsibility for the highly publicized killings of 22 peasants in November 1988 in El Aguacate, Chimaltenango department. In December 1988 the Guatemalan Government flew two villagers to the United States to make declarations before the public and press that the armed opposition had carried out the killings. In January 1989, one assistant human rights attorney resigned, saying information about the case had been withheld from the Human Rights Attorney who had not even opened a file. In June, the Human Rights Attorney's office said inquiries had been hampered by lack of co-operation from the Attorney-General and the judge handling the case. The same month, Alberto Callejas, father of a victim and of one of those taken to the United States, "disappeared". He had reportedly told human rights investigators that the military coerced his son's testimony and that he and his son believed the army responsible for the killings. Days later, the military arrested another peasant; his family claimed that he was drugged and beaten to make him publicly confess that he belonged to an armed opposition group responsible both for the El Aguacate killings and Alberto Callejas' "disappearance". Charges related to the "disappearance" were later dropped, and he was sentenced to two years for theft. There was was no further news of inquiries by the Guatemalan Government into either the El Aguacate killings or Alberto Callejas' "disappearance".

18. Amnesty International received no response to a memorandum submitted to the Government in April 1989 detailing its human rights concerns in Guatemala, and in June published a report including new case information gathered in Guatemala in May. In July, the Government gave Amnesty International what it said were results of official inquiries into "disappearances" and apparent extrajudicial executions discussed in the report. While it welcomed the Government's virtually unprecedented effort to respond to Amnesty International's inquiries regarding reported human rights violations on a case by case basis, the organization found many discrepancies in the replies given as compared to the data it had submitted. On a number of occasions, the government's reponses clearly dealt with persons others than those named in Amnesty International's report, while in others, insufficient details were given to determine whether reported human rights violations had actually been satisfactorily investigated.

NATIONS
UNIES

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Conseil Economique
et Social

Distr.
GENERAL

E/CN.4/1990/NGO/54
12 February 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forth-sixth session
Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by Amnesty International, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[29 January 1990]

Human rights situation in the Union of Myanmar

1. Thousands of people have been arrested during the past year in Myanmar for non-violent criticism of the martial law administration - and for exercising their rights to freedom of association in newly registered political opposition parties. Arrests of non-violent demonstrators proliferated in March 1989 and in the months that followed. A military crackdown on legal political parties and student groups that began in July led to the arrests of many of the leaders and supporters of these organizations. Martial law restrictions on freedom of expression and assembly, provisions for preventive detention, and legislation controlling the press were cited to justify many of the detentions.

2. A military government was established on 18 September 1988 headed by a military-controlled State Law and Order Restoration Council (SLORC). The SLORC violently suppressed protest demonstrations and imposed martial law. It

subsequently pledged to carry out economic and political reforms and in October 1988 legalized the formation of political parties. More than 200 political parties were duly registered over the next year. Many of the legally-registered political parties campaigned actively for the restoration of basic civil liberties, particularly the rights to freedom of association and expression, maintaining that this was an essential pre-condition to the holding of general elections. Although the Government has pledged to hold elections on 27 May 1990, political parties contend that these will not be free and fair unless civil liberties are fully restored to permit public rallies to be held and other campaigning activities to be undertaken.

3. As student groups and political parties had become increasingly vocal in their non-violent criticisms of the authorities and had organized progressively larger political gatherings, the number of arrests of people who were exercising the rights to freedom of expression and assembly steadily increased. Since June 1989 the principal opposition parties, notably the National League for Democracy (NLD), together with student groups, organized mass gatherings in defiance of Martial Law Order Number 2/88, which bans political gatherings. Aung San Suu Kyi and retired General Tin U, the NLD's General Secretary and Chairman respectively, reportedly called at these rallies for protests to be non-violent and urged students and others to refrain from any violent opposition to the military, although supporting peaceful non-compliance with martial law restrictions on civil liberties.

4. On 2 June 1989 military spokesmen announced the SLORC's intention to retain martial law even after the scheduled elections. They said the SLORC would stay in power until after the parliament elected could agree on a constitution and a government could be formed on the basis of that constitution. They also said that Order Number 2/88 and other martial law provisions would remain in force even during the 90-day period of election campaigning if the authorities considered that attempts at "inciting disorder" were continuing.

5. Mass arrests of political party leaders and activists began on 17 July 1989 and continued for some days. The NLD had planned to hold a rally on 19 July, which is Martyrs' Day, a public holiday commemorating those killed in the struggle for independence. However, thousands of combat troops were deployed on the streets of Yangon, the capital, on 18 July. The NLD cancelled the gathering and issued a warning that people should stay indoors. On the morning of 20 July, Aung San Suu Kyi and Tin U were placed under house arrest. On 21 July the authorities confirmed that they were under restriction for "endangering the State" and said they would be confined under the provisions of the 1975 State Protection Law for one year or "as long as the danger of disruption of peace and tranquillity by them exists".

6. Hundreds of critics and opponents of the Government were arrested between 17 and 29 July 1989 in the capital and elsewhere. Unofficial sources estimated that as many as 3,000 people had been arrested by 10 August. On 18 August, however, a SLORC spokesman reportedly stated that the number of people arrested since 20 July totalled 208, including 181 in Yangon. Amnesty International is not able to confirm precisely how many prisoners of conscience and other political prisoners continue to be imprisoned in Myanmar but they may total thousands. As of December 1989 Amnesty International had detailed information on 22 people who are evidently prisoners of conscience and 93 other prisoners who might also be prisoners of conscience, despite allegations by the authorities that some were involved in violence.

7. Amnesty International is concerned that Myanmar's political prisoners may not have the opportunity to refute the charges against them in trials which do not accord with international standards. On 17 and 18 July 1989 Martial Law Orders Numbers 1/89 and 2/89 gave judicial authority to Military Commanders in Yangon and elsewhere to conduct summary trials by military tribunals. People who oppose martial law authority may be tried only by such military courts. No judicial appeal is allowed. Some prisoners of conscience have been tried by these courts and sentenced to long prison terms, including NLD Chairman Tin U, who was sentenced to three years' hard labour on 22 December 1989, and Nay Min, sentenced to 14 years' hard labour on a charge based on his sending "false" news to the British Broadcasting Corporation (BBC) and possession of anti-Government literature. At least 24 people have been sentenced by military courts to the death penalty, although it is not known if any executions have taken place. Some of these people may be prisoners of conscience. Death sentences have to be approved by the Regional Military Commander alone, and the only recourse of the condemned is to ask the army commander-in-chief within 30 days to "revise" the sentence. Military and civilian courts handed down at least 100 death sentences during 1989.

8. Amnesty International has repeatedly called for the release of prisoners of conscience and for all other political detainees to be brought to trial promptly and fairly or released. It reiterated these calls publicly most recently in November 1989 in a report entitled Myanmar (Burma): Prisoners of Conscience, a Chronicle of Developments since September 1988 (AI Index ASA 16/23/89).

9. A wide range of human rights violations persist in ethnic minority areas, such as the Kayin, Kachin and Mon States, where since 1984 the Myanmar army has waged intensive counter-insurgency campaigns against various armed opposition groups. Testimonies received by Amnesty International and published in May 1988 detail 60 cases of apparent extrajudicial execution of ethnic Kayin by Myanmar government forces assigned to counter insurgency duties. There were further allegations in 1989 that people arrested in ethnic minority areas where armed insurgents were active had been tortured or ill-treated during interrogation. Information was also received from the Kayin State that soldiers routinely seized people living in areas in which insurgents operate, or who had participated in peaceful anti-government demonstrations, and forced them to serve as porters.

10. Amnesty International continues to be seriously concerned about the widespread torture of political detainees, including prisoners of conscience, by army, police and other State security agencies personnel. In a series of reports published since 1987, the organization has documented a routine practice of torture of suspected political opponents in ethnic minority areas. Information from recently released political prisoners and refugees who have fled Myanmar suggests not only that torture and unlawful killings of civilians in ethnic minority areas continue to be widespread but that the pattern of routine torture found in these areas of insurgency also occurs in other parts of the country.

11. Torture or ill-treatment has usually been reported to have taken place during lengthy periods of incommunicado detention for interrogation. Frequently reported forms of torture described to Amnesty International including beatings, electric shocks, whippings with electric cable and rolling of iron rods along the shinbones until the skin peels off. Some former prisoners reported having been cut with a knife or a bayonet and having had salt or curry powder spread on the wounds. Recent testimonies suggest that any person arrested on political grounds by Government security forces risks being tortured or ill-treated.

12. Amnesty International has received no response to its appeals to the Myanmar authorities but continues to urge the Myanmar Government to release all prisoners of conscience, ensure that all other political prisoners receive fair trials within a reasonable time or are released, investigate all allegations of torture or ill-treatment of prisoners, and commute all death sentences. In light of the Commission's expression of concern at widespread human rights violations in Myanmar last year and the continuing problems there, Amnesty International urges the international community to monitor assiduously Myanmar's ongoing and serious human rights abuses.

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UNITED
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Economic and Social
Council

Distr.
GENERAL

E/CN.4/1990/NGO/55
12 February 1990

ENGLISH
Original: ENGLISH/FRENCH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the Institute of International Law, a non-governmental organization on the Roster

The Secretary-General has received the following communication which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[2 February 1990]

The Protection of Human Rights and the Principle of Non-Intervention in Internal Affairs of States

FINAL TEXT OF THE RESOLUTION

The Institute of International Law

Recalling its Declarations of New York (1929) on "International Human Rights" and of Lausanne (1947) on "The Fundamental Human Rights as a Basis for Restoring International Law" as well as its Resolutions of Oslo (1932) and Aix-en-Provence (1954) on "The Determination of the 'Reserved Domain' and its Effects";

Considering,

That the protection of human rights as a guarantee of the physical and moral integrity and of the fundamental freedom of every person has been given expression in both the constitutional systems of States and in the international legal system, especially in the charters and constituent instruments of international organizations;

That the members of the United Nations have undertaken to ensure, in co-operation with the Organization, universal respect for and observance of human rights and fundamental freedoms, and that the General Assembly, recognizing that a common understanding of these rights and freedoms is of the highest importance for the full realization of this undertaking, has adopted and proclaimed the Universal Declaration of Human Rights on 10 December 1948;

That frequent gross violations of human rights, including those affecting ethnic, religious and linguistic minorities, cause legitimate and increasing outrage to public opinion and impel many States and international organizations to have recourse to various measures to ensure that human rights are respected;

That these reactions, as well as international doctrine and jurisprudence, bear witness that human rights, having been given international protection, are no longer matters essentially within the domestic jurisdiction of States;

That it is none the less important, in the interest of maintaining peace and friendly relations between sovereign States as well as in the interest of protecting human rights, to define more precisely the conditions and limitations imposed by international law on the measures that may be taken by States and international organizations in response to violations of human rights.

Adopts the following Resolution:

Article 1

Human rights are a direct expression of the dignity of the human person. The obligation of States to ensure their observance derives from the recognition of this dignity as proclaimed in the Charter of the United Nations and in the Universal Declaration of Human Rights.

This international obligation, as expressed by the International Court of Justice, is erga omnes; it is incumbent upon every State in relation to the international community as a whole, and every State has a legal interest in the protection of human rights. The obligation further implies a duty of solidarity among all States to ensure as rapidly as possible the effective protection of human rights throughout the world.

Article 2

A State acting in breach of its obligations in the sphere of human rights cannot evade its international responsibility by claiming that such matters are essentially within its domestic jurisdiction.

Without prejudice to the functions and powers which the Charter attributes to the organs of the United Nations in case of violation of the obligations assumed by the members of the Organization, States, acting individually or collectively, are entitled to take diplomatic, economic and other measures towards any other State which has violated the obligation set forth in Article 1, provided such measures are permitted under international law and do not involve the use of armed force in violation of the Charter of the United Nations. These measures cannot be considered an unlawful intervention in the internal affairs of that State.

Violations justifying recourse to the measures referred to above shall be viewed in the light of their gravity and of all the relevant circumstances. Measures designed to ensure the collective protection of human rights are particularly justified when taken in response to especially grave violations of these rights, notably large-scale or systematic violations, as well as those infringing rights that cannot be derogated from in any circumstances.

Article 3

Diplomatic representations as well as purely verbal expressions of concern or disapproval regarding any violations of human rights are lawful in all circumstances.

Article 4

All measures, individual or collective, designed to ensure the protection of human rights shall meet the following conditions:

(1) except in case of extreme urgency, the State perpetrating the violation shall be formally requested to desist before the measures are taken;

(2) measures taken shall be proportionate to the gravity of the violation;

(3) measures taken shall be limited to the State perpetrating the violation;

(4) the States having recourse to measures shall take into account the interests of individuals and of third States, as well as the effect of such measures on the standard of living of the population concerned.

Article 5

An offer by a State, a group of States, an international organization or an impartial humanitarian body such as the International Committee of the Red Cross, of food or medical supplies to another State in whose territory the life or health of the population is seriously threatened cannot be considered an unlawful intervention in the internal affairs of that State. However, such offers of assistance shall not, particularly by virtue of the means used to implement them, take a form suggestive of a threat of armed intervention or any other measure of intimidation; assistance shall be granted and distributed without discrimination.

States in whose territories these emergency situations exist should not arbitrarily reject such offers of humanitarian assistance.

Article 6

The provisions of this Resolution apply without prejudice to the procedures prescribed in matters of human rights by the terms of or pursuant to the constitutive instruments and the conventions of the United Nations and of specialized agencies or regional organizations.

Article 7

It is highly desirable to strengthen international methods and procedures, in particular methods and procedures of international organizations, intended to prevent, punish and eliminate violations of human rights.

UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/1990/NGO/56
13 February 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 7

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS

Written statement submitted by World Alliance of Young Men's Christian Associations, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[29 November 1989]

FINAL STATEMENT

1. INTRODUCTION

1.1. The Special NGO Committee on Development (Geneva) organized an international Conference on the theme "People and the Debt Crisis - Challenge to NGOs" at the United Nations in Geneva from 27-29 November 1989.

1.2. The objectives of this conference included the following:

(a) To understand how the debt crisis affects the poor in the countries involved and the inadequacy of solutions prescribed so far, whether by lending agencies or by the Governments that are recipients of loans,

(b) To evolve ways to amplify the voice of the victims of the debt crisis and to strengthen the role of NGOs at all levels by proposing alternate solutions for dealing with the crisis.

1.3. This Conference brought together over 75 participants, representing: United Nations and its specialized agencies, international and national NGOs, representatives of the World Bank, research groups, students and the press, etc. Invited speakers representing the Transnational Institute, Amsterdam, the Philippines (Asia), Brazil (Latin America), Senegal (Africa), the United States of America and Poland addressed the Conference.

2. A GLOBAL OVERVIEW OF THE DEBT CRISIS

2.1. In 1986, the debt owed by Third World countries first passed the trillion dollar mark, and at 1989 stood at $US 1,300,000,000,000. This unprecedented financial burden has not only disastrous economic consequences, but profound implications for relations between rich and poor countries, for citizens of both the North and the South, and for the prospects of a peaceful world.

2.2. The debt crisis has shown that current "models of development" are costly and unsustainable. "Development" has been based on excessive military and police establishments, prestige projects, export-oriented economies and enrichment of a small élite to the detriment of the poor - the local consequences are continuing hunger, poverty and destitution in the Third World.

2.3. Countries have borrowed from the IMF on strict terms and conditions - which includes "IMF adjustment" and "stabilizing programmes" (austerity programmes) and consequently compete with each other to earn hard cash through exporting raw materials, agricultural and mineral products - basic commodities that are essential to maintain the vital economic base in these countries.

2.4. This dependency on IMF conditions of borrowing has meant a drastic cut in health, education and welfare, neglect of the environment, the diversion of precious human and financial resources from basic food crop production (on which the survival of the poor depends), to export (cash crop) production to earn foreign currency - in turn to pay off interests on loans and borrowings.

2.5. The crisis is not exclusive to the Third World countries - its consequences are felt also in the industrialized world. Increasing unemployment, cuts in education, welfare and social security, social problems of drugs, privatization of essential public services, etc. have affected large sections of vulnerable people in the West.

2.6. "Debt re-scheduling" has often been suggested as a solution to end this crisis - this merely postpones the debt bondage and the final crisis, rather than providing a real solution.

2.7. A "3-D Solution" was proposed: "Debt, Development and Democracy" - a process of "creative reimbursement" wherein the debt issue could become an effective tool for peoples participation to determine their own development. This would include the setting up of a "National Development Fund" managed by the State and representative popular organizations to finance local development projects and ecological preservation and renewal. This is a task for NGOs working in coalition with TNCs, environmentalists, peace and women's movements, trade unions, farmers and others in the North and South - a so-called "Coalition for Justice".

3. DEBT AND HUMAN RIGHTS

3.1. The problem of debt is inseparable from the problem of human rights. Debt is too serious a problem to be left only to experts (finances, banks, economists, etc.). It has a direct bearing on the daily lives of the people in so far as in many countries of the Third World the daily lives of the people are often subjected to political repression and consequently gross violations of human rights.

3.2. The fact that debt creates "economic instability" in many countries of the Third World, including Africa, is in itself a threat to the protection and promotion of human rights. Furthermore, an unjust economic order has often been a source of political instability and conflicts. Thus, hunger and destitution, food riots, workers agitations, peasant unrest, etc. are basically symbolic of the social impact of the debt crisis as it is experienced in various parts of the Third World.

3.3. Many Governments today are preoccupied with "economic growth" thereby neglecting basic human values especially of the poorer sector of society. In this logic human beings are considered mere "factors of production" instead of being "subjects" of development. It is in this context, that we need to look at the debt crisis within the overall framework of the "Right to Development".

3.4. We need to take as our basis of analysis the "Universal Declaration of Human Rights" which seeks to protect and promote the fundamental rights (economic, social, cultural, civil, and political rights) of all citizens. These rights are based on human dignity - a dignity often violated by the debt crisis.

4. IMPACT ON WOMEN AND CHILDREN

4.1. In both the industrialized and developing countries women and children are particularly vulnerable to economic crisis. The structural adjustment policy adopted as a measure to overcome the debt crisis is not "gender-neutral". Thus, women and children in the formal and informal sectors remain vulnerable.

4.2. Export-oriented agriculture and industry - an important feature of this policy - has a severe impact on women and children. Most women work in the informal/domestic sector. They are relegated to the periphery of the new international division of labour. The logic of export orientation pushes women and children to those areas of work where dollars are - migration to cities and overseas, street children, prostitution, etc.

4.3. In many parts of the Third World, including the Philippines, militarization and political violence has seen an increase in violence against women - destruction of family and community life, political repression and intimidation of women especially in the countryside.

5. IMPACT ON WORKERS

5.1. The impact of the debt crisis on workers is particularly felt in the following areas:

(a) Structural adjustment and its social costs - wages, welfare and social security;

(b) Privatization of economy;

(c) Transnational corporate investments;

(d) Export crops at the cost of food crops; and

(e) Restructuring of ownership and loss of land.

5.2. The debt crisis has also been responsible for a vast expansion of the underground economy. In a country like Brazil about $US 120 billion (one third of the value of the GNP) is made up of underground transactions. The increase in clandestine employment (in the informal or hidden sector of labour) has grown rapidly. Inevitably therefore the indices of marginalization, impoverishment and urban violence have also increased.

5.3. The impact on industry and the workers in the industrialized countries should also be noted. In recent years we have seen a massive loss of employment in agriculture and some industries. The Joint Economic Committee of Congress in the United States in June 1985 revealed a loss of 800,000 jobs resulting from the Latin American debt crisis alone. Moreover, taxpayers in these countries have also been affected.

5.4. In the countries of Eastern Europe recent changes have indicated a trend towards increasing privatization and a reduction of social protection systems. The process of democratization of these societies is not only confined to a desire for a "free market" but also a desire for political participation, equality and human rights.

5.5. A long-term solution involves choosing a new model for development and modernization, which is self-reliant, socially and ecologically sustainable and essentially democratic, based on giving priority to labour, to self-determination, to national sovereignty and to solidarity among all the people most affected by the debt.

6. IMPACT ON ENVIRONMENT

6.1. The environmental crisis which today confronts the world on a massive scale has been a consequence of maldevelopment. The environment, nevertheless, is one of the interlinked issues related to sustainable development. The impact of the debt crisis on the environment is a factor in both industrialized and developing countries. There is a need for a new "ethical and philosophical" concept of development to address this problem.

6.2. Some of the problems worsened by the debt crisis include acid rain, depletion of the ozone layer, the greenhouse effect, etc. in the developing countries. Further massive deforestation and over-exploitation of natural resources have been introduced by countries undergoing structural adjustment to meet IMF demands.

6.3. The search for alternative sources of energy, and research on environmental issues generally, need far more participation on the part of developing countries, and it was suggested that some debt could be converted to covering the costs of such research by local NGOs and institutes.

6.4. The growing awareness of the international community on ecological and environmental issues needs to be strengthened with the right kind of information and education in both North and South in order to establish the linkages between the debt crisis and environmental problems. A specific task for NGOs in this context is to ensure implementation of International Standards on Debt and Environment promulgated by United Nations-related agencies and others.

7. PERSPECTIVES FROM DEVELOPED COUNTRIES

7.1. The Conference discussed the perspective on the debt crisis from the viewpoints of capitalist and socialist economies.

7.2. For capitalist economies the debt crisis has been viewed as largely a technical adjustment problem, especially by international private banks. While the technical solutions to the debt crisis could perhaps be simple, the more difficult aspect is in seeking a political solution.

7.3. The secure position of private banks vis-à-vis the debt crisis is determined by the fact that they rely on support from international financial institutions (IMF, World Bank), and the industrialized countries of West Germany, Japan, and the United States.

7.4. The United States Government accumulated its public debt through successive budget deficits. It has run into increasingly large trade deficits, forcing it to borrow heavily from the surplus countries of Japan and West Germany.

7.5. The United States trade deficit indicates the fact that the United States consumes more of the world's output than its economy produces, and the country has to borrow from outside to make up the difference.

7.6. It is difficult to speak today of "socialist economies" because of the recent differentiation of the political and economic systems caused by reforms in these countries. However, there exists a definite link between the debt crisis and the deterioration of the economic welfare of the poorest section of the population.

7.7. The economic systems of these countries have been characterized by:

(a) The subordinated role of the private sector;

(b) The pervasiveness of administrative intervention and control to achieve economic and social policy goals; and

(c) The particular stress put on achievement of certain socio-political objectives such as full employment, social security, price stability, rapid growth, and a socially equitable distribution of income.

7.8. However, the emergence of a bureaucratic and centralized political system in many of these countries resulted in the economic inefficiency and some kinds of demoralization of the working people. The material, social and political effects of this type of socialism have been costly. Consequently since the 1950s in many of these countries, efforts have been undertaken to reform the economy and democratize the political system.

7.9. The social effects of the debt crisis on the poor in socialist economies are comparable relative to those in the Third World countries:

(a) High prices of basic foodstuffs by curbing of subsidies and importation;

(b) Cuts in government expenditures on social services especially health and education;

(c) Deteriorating environment and wasteful exploitation of natural resources to service debts; and

(d) Growing unemployment.

These negative effects are cushioned by the social security system developed during the period of "real socialism" and, in countries like Poland and Hungary, a politically motivated economic help from developed market economy countries.

7.10. There is an urgent need in these countries for government to legalize and permit NGOs and peoples movements to articulate openly their arguments and demands on human rights, healthy environment, rights of minorities, against nuclear power, etc. We must note that the process of democratization is taking place almost every day, and this gives us hope that as a result of the political and economic revolutionary changes in East European countries the efficiency of their economies will increase, which will allow to improve the standard of living of the people and as a result also to ease the debt burden on the poor.

7.11. The perspective of the World Bank was also presented to this Conference. The Bank has experienced difficulties in communication with various Governments in relation to their respective economic policies. In many countries of the Third World, Governments are not in control of the economic and political situation and characterized by "mismanagement", corruption and bad planning. The Bank has emphasized the need for self-reliance, import liberalization and economic stability. However, some countries in the Third World have preferred to be "excluded" from the world market - this has not succeeded. Unfortunately, there is no safe solution to the debt crisis.

7.12. The World Bank is of the opinion that "underdevelopment" means low productivity, lack of skills, illiteracy, high population, etc. The international market does not favour the powerful as much as the national Governments and policies do.

7.13. The World Bank admitted that it has yet to find real solutions to alleviate the basic problems of hunger and destitution in many debtor countries.

8. CONCLUSIONS AND RECOMMENDATIONS

This Conference having deliberated on the above and taking note of the work done in the four Commissions during the Conference, adopts the following recommendations as a guideline for future activity for NGOs in seeking a solution to the debt crisis.

The recommendations are as follows:

1. PUBLIC EDUCATION AND INFORMATION DISSEMINATION

(a) To publicize information and knowledge on the social and human costs of the debt crisis in the North and the South and particularly the implications of Structural Adjustments and Debt Servicing Strategies.

(b) To pressurize Governments to examine their economic policies and incorporate a vision of social justice and human rights in their policies and plans. In this context, NGOs need to pay particular attention to pressurizing Governments to direct the trillion dollar budget on armaments and military expenditures towards development projects and programmes to address the human needs of the poor.

(c) To mobilize the participation of national NGOs at local levels, establish South-South linkages and sharing of information, and strengthen solidarity networks on the debt issue between the poor in the South and the North.

(d) The activities on public education of the NGOs must include an emphasis on the environment and sustainable development. NGOs should pressurize Governments and education authorities to include environmental issues in the school curriculum and in their public information campaigns.

2. CAMPAIGNS AND LOBBYING

(a) NGOs should campaign and monitor the implementation of the recognized legal standards and codes of conduct, including the United Nations Declaration on the Right to Development, the Universal Declaration on Human Rights, etc. by all Governments, United Nations trade and financial agencies, multilateral organizations, the World Bank and the International Monetary Fund.

(b) The human rights criteria should be applied at all stages of the project cycle - project selection, planning and implementation and evaluation, in relation to the economic planning and resource allocations in the countries.

(c) In campaigns and lobbying work, NGOs must pay special attention to the more disadvantaged sections of society - women, children, elderly, workers, peasants, minorities and tribals, etc.

(d) NGOs should carry out investigative and local level studies on the impact of development projects on human rights and mobilize public opinion with the information generated in such investigations.

(e) NGOs should play an active role in opposing such negative official practices which give natural resources away in the form of payment of external debt and interest.

3. NETWORKING AND COALITIONS

(a) NGOs should initiate and strengthen lines of exchange and solidarity between the debtor and creditor countries, among workers, trade unions, NGOs, women's movements, human rights organizations, peace movements, socio-economic self-reliance projects, etc. These broad-based "Coalitions of Peoples Organisations" should initiate international public information campaigns on the social costs of the debt crisis and its impact on peoples in the industrialized and developing world, and bring this to the attention of national Governments, international financial institutions, United Nations agencies, media and the international community.

4. ALTERNATIVE MODELS

(a) NGOs must ensure that environmental concerns are included in all international and national development projects and agreements. To encourage support for conversion of public debt into a National Development Fund of local currency which will be managed by the State and democratically chosen popular representatives, with special provisions made for fair representation of women, rural people and ethnic minorities. Such funds should be used to finance development projects proposed by local NGOs, feed revolving credit schemes for small loans and provide salaries for ecological preservation and renewal.

(b) NGOs must encourage support for the petition by some Swiss NGOs for a Special Fund of SwF 700 million (symbolic of the 700 years of the Swiss Confederation) which is aimed at the poorest countries to facilitate their debt reduction.

(c) To support the initiative of some French NGOs to set up a Fund to promote local initiatives and to provide credit and investment funds for activities aimed at establishing local, indigenous and self-reliant production, and managed by the poorest and most disadvantaged social sectors and groups. Funds from northern NGOs, local banks and others should also help to set up small financial and credit institutions to be managed by southern NGOs and grassroots organizations.

Geneva, 29 November 1989